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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

FILED
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CLERK US DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA


UNITED STATES OF AMERICA,

Plaintiff,

v.

Enrique CARRILLO-Perez,

Defendant.

BY  DEPUTY
Magistrate Case No. _____

COMPLAINT FOR VIOLATION OF

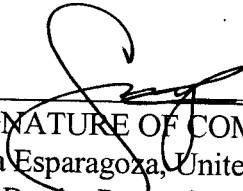
Title 8, U.S.C., Section 1326
Attempted Entry After
Deportation

'08 MJ2106


The undersigned complainant being duly sworn states:

On or about **July 10, 2008**, within the Southern District of California, defendant **Enrique CARRILLO-Perez**, an alien, who previously had been excluded, deported and removed from the United States to Mexico, attempted to enter the United States with the purpose; i.e. conscious desire, to enter the United States at the **San Ysidro, California Port of Entry**, without the Attorney General of the United States or his designated successor, the Secretary of the Department of Homeland Security (Title 6, United States Code, Sections 202(3) and (4), and 557), having expressly consented to the defendant's reapplication for admission into the United States; in violation of Title 8, United States Code, Section 1326.

And the complainant states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.


SIGNATURE OF COMPLAINANT
Sara Esparagoza, United States Customs
and Border Protection Enforcement Officer

Sworn to before me and subscribed in my presence this 11th day of **July, 2008**.


UNITED STATES MAGISTRATE JUDGE


PROBABLE CAUSE STATEMENT

On July 10, 2008, at approximately 05:30 AM, a male individual identified as **Enrique CARRILLO-Perez (Defendant)** attempted to enter the United States from Mexico via the vehicle primary lanes at the San Ysidro, California Port of Entry. Defendant was a passenger in a vehicle driven by Roy Beas. Defendant presented a Permanent Resident Alien Card (Form I-551) bearing his true name and photo to a Customs and Border Protection (CBP) officer. The CBP officer received an automated computer generated referral and subsequently escorted the vehicle and its occupants to secondary for further inspection.

In secondary, a CBP officer queried Defendant's fingerprints and photograph through the Automated Biometric Identification System (IDENT). IDENT returned a match to the query, identifying Defendant as a citizen of Mexico and a previously deported alien. Defendant's identity was also verified using the Integrated Automated Fingerprint Identification System (IAFIS).

Queries through the Immigration Central Index System (CIS) and the Deportable Alien Control System (DACS) confirmed Defendant to be a citizen of Mexico without legal documents to enter the United States. CIS and DACS queries reveal Defendant was deported from the United States by an Immigration Judge on or about December 11, 2007 and was subsequently physically removed via Nogales, Arizona on December 12, 2007. Immigration service records contain no evidence that Defendant has applied for or received permission from the Attorney General of the United States, or his designated successor, the Secretary of the Department of Homeland Security to legally re-enter the United States.

During a videotaped proceeding, Defendant was advised of his Miranda Rights and elected to submit to questioning without benefit to counsel. Defendant admitted he is a citizen of Mexico without legal rights to enter the United States. Defendant admitted he was previously deported from the United States. Defendant admitted he has not requested nor received permission to re-enter the United States. Defendant admitted he presented an I-551 previously belonging to him which is no longer valid due to his deportation from the United States. Defendant stated his sister obtained his I-551 from his wife in Madera, California and brought it to him in order for him to present for entry into the United States. Defendant stated he intended to travel to Madera, California to reunite with his family and seek employment.


SIGNATURE OF COMPLAINANT
Sara Esparagoza, United States Customs
and Border Protection Enforcement Officer


UNITED STATES MAGISTRATE JUDGE